

BEFORE THE
BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. 3077

MYRA A. QUINTANILLA aka
MAYRA ALEJANDRO QUINTANILLA
1640 E. 51st Street
Los Angeles, CA 90011

Pharmacy Technician Registration No. TCH
49672

Respondent.

DECISION AND ORDER

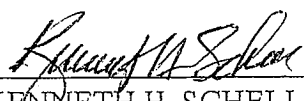
The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on October 3, 2008.

It is so ORDERED September 3, 2008.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By


KENNETH H. SCHELL
Board President

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 KAREN B. CHAPPELLE
Supervising Deputy Attorney General
3 GLORIA A. BARRIOS, State Bar No. 94811
Supervising Deputy Attorney General
4 California Department of Justice
300 So. Spring Street, Suite 1702
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8 Attorneys for Complainant

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11 **BEFORE THE
BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 3077

13 MYRA A. QUINTANILLA aka
MAYRA ALEJANDRO QUINTANILLA
1640 E. 51ST Street
14 Los Angeles, CA 90011

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

15 Pharmacy Technician Registration No. TCH
49672

16 Respondent.
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19 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
20 proceeding that the following matters are true:

21 **PARTIES**

22 1. Virginia Herold (Complainant) is the Executive Officer of the Board of
23 Pharmacy. She brought this action solely in her official capacity and is represented in this matter
24 by Edmund G. Brown Jr., Attorney General of the State of California, by Gloria A. Barrios,
25 Supervising Deputy Attorney General.

26 2. Myra A. Quintanilla aka Mayra Alejandro Quintanilla (Respondent)
27 represents herself in this proceeding.

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3. On or about July 30, 2003, the Board of Pharmacy (the Board) issued Pharmacy Technician Registration No. TCH 49672 to Myra A. Quintanilla aka Mayra Alejandro Quintanilla. The license was in full force and effect at all times relevant to the charges brought in Accusation in Case No. 3077 and will expire on October 31, 2008, unless renewed.

JURISDICTION

4. In the Matter of the Accusation Against Myra A. Quintanilla aka Mayra Alejandro Quintanilla, Case No. 3077 was filed before the Board, Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on December 20, 2007. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of the Accusation Case No. 3077 is attached as exhibit B and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read and understands the charges and allegations in the Accusation, Case No. 3077. Respondent also has carefully read, and understands the effects of this Stipulated Surrender of License and Order.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in the Accusation Case No. 3077, should she ever apply for the reinstatement of her pharmacy technician registration or any other pharmacy license and agrees that cause exists for discipline

1 and hereby surrenders her Pharmacy Technician Registration No. TCH 49672 for the Board's
2 formal acceptance.

3 9. Respondent understands that by signing this stipulation she enables the
4 Board to issue an order accepting the surrender of her Pharmacy Technician Registration without
5 further process.

6 CONTINGENCY

7 10. This stipulation shall be subject to approval by the Board of Pharmacy.
8 Respondent understands and agrees that counsel for Complainant and the staff of the Board of
9 Pharmacy may communicate directly with the Board regarding this stipulation and settlement,
10 without notice to or participation by Respondent. By signing the stipulation, Respondent
11 understands and agrees that she may not withdraw her agreement or seek to rescind the
12 stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this
13 stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of
14 no force or effect, except for this paragraph, it shall be inadmissible in any legal action between
15 the parties, and the Board shall not be disqualified from further action by having considered this
16 matter.

17 11. The parties understand and agree that facsimile copies of this Stipulated
18 Surrender of License and Order, including facsimile signatures thereto, shall have the same force
19 and effect as the originals.

20 12. In consideration of the foregoing admissions and stipulations, the parties
21 agree that the Board may, without further notice or formal proceeding, issue and enter the
22 following Order:

23 ORDER

24 IT IS HEREBY ORDERED that Pharmacy Technician Registration No. TCH
25 49672, issued to Respondent Myra A. Quintanilla aka Mayra Alejandro Quintanilla is
26 surrendered and accepted by the Board of Pharmacy.

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1 13. The surrender of Pharmacy Technician Registration and the acceptance of
2 the surrendered license by the Board shall constitute the imposition of discipline against
3 Respondent. This stipulation constitutes a record of the discipline and shall become a part of
4 Respondent's license history with the Board.

5 14. Respondent shall lose all rights and privileges as a pharmacist technician
6 registration as of the effective date of the Board's Decision and Order.

7 15. Respondent shall cause to be delivered to the Board any and all copies of
8 registration on or before the effective date of the Decision and Order.

9 16. Respondent understands and agrees that if she ever files for licensure or a
10 petition for reinstatement in the State of California, the Board shall treat it as a new application
11 for licensure. Respondent must comply with all the laws, regulations and procedures for
12 licensure in effect at the time the application is filed, and all of the charges and allegations
13 contained in the Accusation Case No. 3077 shall be deemed to be true, correct, and admitted by
14 Respondent when the Board determines whether to grant or deny the petition.

15 17. Respondent shall pay to the Board costs associated with its investigation
16 and enforcement pursuant to Business and Professions Code section 125.3 in the amount of One
17 Thousand, Seven Hundred and Ninety-Seven Dollars and Fifty Cents (\$1, 797.50) prior to the
18 issuance of any new or reinstated license.

19 18. Should Respondent ever apply or reapply for a new license, registration or
20 certification, or petition for reinstatement of a license, by any other health care licensing agency
21 in the State of California, all of the charges and allegations contained in the Accusation Case No.
22 3077 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any
23 Statement of Issues or any other proceeding seeking to deny or restrict licensure.

24 19. Respondent shall not apply for licensure or petition for reinstatement for
25 three (3) years from the effective date of the Board of Pharmacy's Decision and Order.


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27 ACCEPTANCE

28 I have carefully read the above Stipulated Surrender of License and Order. I

1 understand the stipulation and the effect it will have on my Pharmacy Technician Registration. I
2 enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and
3 intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

4 DATED: 5-19-08

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6 
7 MYRA A. QUINTANILLA aka
8 MAYRA ALEJANDRO QUINTANILLA
9 Respondent

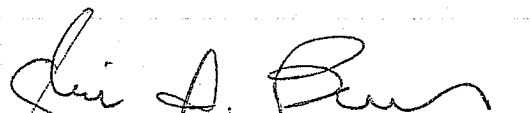
10 ENDORSEMENT

11 The foregoing Stipulated Surrender of License and Order is hereby respectfully
12 submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

13 DATED: 5/19/08

14 EDMUND G. BROWN JR., Attorney General
15 of the State of California

16 KAREN B. CHIAPPELLE
17 Supervising Deputy Attorney General

18 
19 GLORIA A. BARRIOS
20 Supervising Deputy Attorney General

21 Attorneys for Complainant

22 Matter ID: LA2005601293
23 QUINT.SUR.WPD
24
25
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Exhibit A

In the Matter of the Accusation, Case No. 3077

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 KAREN B. CHAPPELLE,
Supervising Deputy Attorney General
3 GLORIA A. BARRIOS, State Bar No. 94811
Supervising Deputy Attorney General
4 California Department of Justice
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2540
6 Facsimile: (213) 897-2804

7 Attorneys for Complainant

8 BEFORE THE
BOARD OF PHARMACY
9 DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA
10

11 In the Matter of the Accusation Against:

Case No. 3077

12 MAYRA A. QUINTANILLA
aka MAYRA ALEJANDRA QUINTANILLA
13 1640 E. 51st Street
Los Angeles, CA 90011

ACCUSATION

14 Pharmacy Technician Registration No. TCH 49672

15 Respondent.
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19 Complainant alleges:

20 PARTIES

21 1. Virginia Herold (Complainant) brings this Accusation solely in her official
22 capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs
23 (Board).

24 2. On or about July 30, 2003, the Board of Pharmacy issued Pharmacy
25 Technician Registration No. TCH 49672 to Mayra A. Quintanilla aka Mayra Alejandra
26 Quintanilla (Respondent). The Pharmacy Technician Registration was in full force and effect at
27 all times relevant to the charges brought herein and will expire on October 31, 2008, unless
28 renewed.

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 KAREN B. CHAPPELLE,
Supervising Deputy Attorney General
3 GLORIA A. BARRIOS, State Bar No. 94811
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10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 3077

13 MAYRA A. QUINTANILLA
aka MAYRA ALEJANDRA QUINTANILLA
14 1640 E. 51st Street
Los Angeles, CA 90011

A C C U S A T I O N

15 Pharmacy Technician Registration No. TCH 49672

Respondent.

16
17
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19 Complainant alleges:

20 **PARTIES**

21 1. Virginia Herold (Complainant) brings this Accusation solely in her official
22 capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs
23 (Board).

24 2. On or about July 30, 2003, the Board of Pharmacy issued Pharmacy
25 Technician Registration No. TCH 49672 to Mayra A. Quintanilla aka Mayra Alejandra
26 Quintanilla (Respondent). The Pharmacy Technician Registration was in full force and effect at
27 all times relevant to the charges brought herein and will expire on October 31, 2008, unless
28 renewed.

JURISDICTION

3. This Accusation is brought before the Board of Pharmacy (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 4300 provides, in pertinent part, that every license issued by the Board is subject to discipline including suspension or revocation.

5. Section 4301 of the Code states:

"The board shall take action against any holder of a license who is guilty of unprofessional conduct or whose license has been procured by fraud or misrepresentation or issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the following:

"(h) The administering to oneself, of any controlled substance, or the use of any dangerous drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to oneself, to a person holding a license under this chapter, or to any other person or to the public, or to the extent that the use impairs the ability of the person to conduct with safety to the public the practice authorized by the license.

"(j) The violation of any of the statutes of this state, or any other state, or of the United States regulating controlled substances and dangerous drugs.

"(l) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13 (commencing with Section 801) of Title 21 of the United States Code regulating controlled substances or of a violation of the statutes of this state regulating controlled substances or dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The board may inquire into the circumstances surrounding the commission of the crime, in order to fix the degree of discipline or, in the case of a conviction not involving controlled substances or dangerous drugs, to determine if the conviction is of an offense substantially related to the qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty

1 or a conviction following a plea of nolo contendere is deemed to be a conviction within the
2 meaning of this provision. The board may take action when the time for appeal has elapsed, or
3 the judgment of conviction has been affirmed on appeal or when an order granting probation is
4 made suspending the imposition of sentence, irrespective of a subsequent order under Section
5 1203.4 of the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a
6 plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information,
7 or indictment.

8 "(p) Actions or conduct that would have warranted denial of a license."

9 6. California Code of Regulations, title 16, section 1770, states:

10 "For the purpose of denial, suspension, or revocation of a personal or facility
11 license pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions
12 Code, a crime or act shall be considered substantially related to the qualifications, functions or
13 duties of a licensee or registrant if to a substantial degree it evidences present or potential
14 unfitness of a licensee or registrant to perform the functions authorized by his license or
15 registration in a manner consistent with the public health, safety, or welfare."

16 7. Section 118, subdivision (b), of the Code provides that the expiration of a
17 license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the
18 period within which the license may be renewed, restored, reissued or reinstated.

19 8. Section 125.3 of the Code states, in pertinent part, that the Board may
20 request the administrative law judge to direct a licensee found to have committed a violation or
21 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
22 and enforcement of the case.

23 DRUG STATUTES

24 9. Section 4060 of the Code states:

25 "No person shall possess any controlled substance, except that furnished to a
26 person upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or
27 naturopathic doctor pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a
28 certified nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section

1 2836.1, or a physician assistant pursuant to Section 3502.1, or naturopathic doctor pursuant to
2 Section 3640.5, or a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause
3 (iv) of subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. This section shall
4 not apply to the possession of any controlled substance by a manufacturer, wholesaler, pharmacy,
5 pharmacist, physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified
6 nurse-midwife, nurse practitioner, or physician assistant, when in stock in containers correctly
7 labeled with the name and address of the supplier or producer.

8 "Nothing in this section authorizes a certified nurse-midwife, a nurse practitioner,
9 a physician assistant, or a naturopathic doctor, to order his or her own stock of dangerous drugs
10 and devices."

11 10. Health and Safety Code section 11377, subdivision (a), states:

12 "Except as authorized by law and as otherwise provided in subdivision (b) or
13 Section 11375, or in Article 7 (commencing with Section 4211) of Chapter 9 of Division 2 of the
14 Business and Professions Code, every person who possesses any controlled substance which is
15 (1) classified in Schedule III, IV, or V, and which is not a narcotic drug, (2) specified in
16 subdivision (d) of Section 11054, except paragraphs (13), (14), (15), and (20) of subdivision (d),
17 (3) specified in paragraph (11) of subdivision (c) of Section 11056, (4) specified in paragraph (2)
18 or (3) of subdivision (f) of Section 11054, or (5) specified in subdivision (d), (e), or (f) of Section
19 11055, unless upon the prescription of a physician, dentist, podiatrist, or veterinarian, licensed to
20 practice in this state, shall be punished by imprisonment in a county jail for a period of not more
21 than one year or in the state prison."

22 11. Health and Safety Code section 11550, subdivision (a), states:

23 "No person shall use, or be under the influence of any controlled substance which
24 is (1) specified in subdivision (b), (c), or (e), or paragraph (1) of subdivision (f) of Section 11054,
25 specified in paragraph (14), (15), (21), (22), or (23) of subdivision (d) of Section 11054,
26 specified in subdivision (b) or (c) of Section 11055, or specified in paragraph (1) or (2) of
27 subdivision (d) or in paragraph (3) of subdivision (e) of Section 11055, or (2) a narcotic drug
28 classified in Schedule III, IV, or V, except when administered by or under the direction of a

1 person licensed by the state to dispense, prescribe, or administer controlled substances. It shall
2 be the burden of the defense to show that it comes within the exception. Any person convicted of
3 violating this subdivision is guilty of a misdemeanor and shall be sentenced to serve a term of not
4 less than 90 days or more than one year in a county jail. The court may place a person convicted
5 under this subdivision on probation for a period not to exceed five years and, except as provided
6 in subdivision (c), shall in all cases in which probation is granted require, as a condition thereof,
7 that the person be confined in a county jail for at least 90 days. Other than as provided by
8 subdivision (c), in no event shall the court have the power to absolve a person who violates this
9 subdivision from the obligation of spending at least 90 days in confinement in a county jail."

10 CONTROLLED SUBSTANCES / DANGEROUS DRUGS

11 12. Marijuana is a hallucinogenic Schedule I controlled substance as defined
12 in Health and Safety Code section 11054(d)(13) and a dangerous drug according to Business and
13 Professions Code section 4022.

14 13. Methamphetamine is a Schedule II controlled substance as designated by
15 Health and Safety Code section 11055, subdivision (d)(2), and is categorized as a dangerous drug
16 pursuant to Business and Professions Code section 4022.

17 14. Tylenol 3; a brand name for 500 mg. acetaminophen with codeine 30 mg.,
18 is a Schedule III controlled substance as designated by Health and Safety Code section
19 11056(e)(2) and is categorized as a dangerous drug pursuant to Business and Professions Code
20 section 4022.

21 FIRST CAUSE FOR DISCIPLINE

22 (Use of Drugs)

23 15. Respondent is subject to disciplinary action under Code section 4300 in
24 that Respondent used drugs in violation of Code section 4301, subdivision (h). The
25 circumstances are as follows:

26 a. On or about March 27, 2006, in Case No. 5CR15778, Respondent was
27 convicted on her plea of *guilty* for violating Health and Safety Code section 11377(a) (possession
28 of a controlled substance), a misdemeanor, in the criminal proceeding entitled *The People of the*

State of California v. Mayra Alejandra Quintanilla, Los Angeles County Superior Court, Central Arraignment Courthouse. The Court deferred entry of the judgment.

b. The circumstances are that on or about November 5, 2002, Los Angeles Police Department Officers during a routine traffic stop observed Respondent unsecured by a seat belt as a passenger of a vehicle, and upon approach to the vehicle the officers noticed a strong odor of Marijuana emitting from the vehicle. Respondent admitted to the officers that the Tylenol 3 with Codeine, a controlled substance, found in the vehicle was hers without having a valid prescription. Further, she admitted to the officers that she only uses Methamphetamine, a controlled substance, when her children are not at home. The officers booked into evidence controlled substances and dangerous drugs found in the vehicle as follows: 1 gg Methamphetamine, 68 tablets Tylenol 3 with Codeine, and 10.38 gg Marijuana.

SECOND CAUSE FOR DISCIPLINE

(Violation of Drug Statutes)

16. Respondent is subject to disciplinary action under Code section 4300 in that Respondent violated drug statutes in violation of Code section 4301, subdivision (j) in conjunction with Code section 4060, Health and Safety Code sections 11377, subdivision (a) and 11550, subdivision (a) as more fully set forth in paragraphs 15a and 15b.

THIRD CAUSE FOR DISCIPLINE

(Criminal Conviction)

17. Respondent is subject to disciplinary action under Code section 4300 in that Respondent was convicted for a crime that is substantially related to the qualifications, functions, and duties of a Pharmacy Technician in violation of Code section 4301, subdivision (l) in conjunction with California Code of Regulations, title 16, section 1770 as more fully set forth in paragraphs 15a and 15b.

FOURTH CAUSE FOR DISCIPLINE

(Acts Warranting Denial of Licensure)

18. Respondent is subject to disciplinary action under Code section 4300 in that Respondent committed an act which would have warranted a denial of licensure as a

1 Pharmacy Technician in violation of Code section 4301, subdivision (p) as more fully set forth in
2 paragraphs 15a and 15b.

3 PRAYER

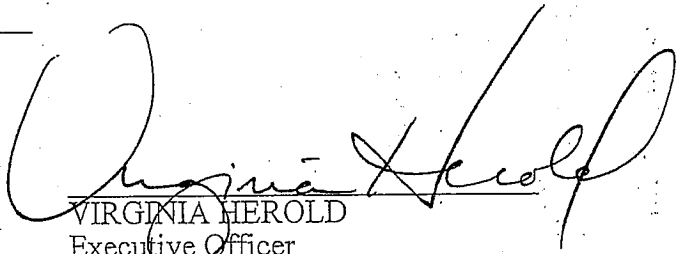
4 WHEREFORE, Complainant requests that a hearing be held on the matters herein
5 alleged, and that following the hearing, the Board of Pharmacy issue a decision:

6 A. Revoking or suspending Pharmacy Technician Registration No. TCH
7 49672, issued to Mayra A. Quintanilla aka Mayra Alejandra Quintanilla.

8 B. Ordering Mayra A. Quintanilla to pay the Board of Pharmacy the
9 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
10 Professions Code section 125.3;

11 C. Taking such other and further action as deemed necessary and proper.

12
13 DATED: 7/30/07

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15
16 
17 VIRGINIA HEROLD
18 Executive Officer
19 Board of Pharmacy
20 Department of Consumer Affairs
21 State of California

22 Complainant

23 LA2007600768
24 QUIN.ACC.WPD
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